JF W

April 25, 2005 Page 1 of 1

## Please Direct All Correspondence to Customer Number 45,311

### **TRANSMITTAL**

**Applicant** 

Merril et al.

App. No

10/659,711

Filed

September 11, 2003

For

ANTIBACTERIAL THERAPY WITH

**BACTERIOPHAGE** 

GENOTYPICALLY MODIFIED TO DELAY INACTIVATION BY THE

HOST DEFENSE SYSTEM

Examiner

Stucker, Jeffrey J.

Art Unit

1648

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 25, 2005

(Date)

Nancy W. Vensko, Reg. No. 36,298

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Substitute Power of Attorney Under 37 CFR 3.71(a) and Change of Correspondence Address in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

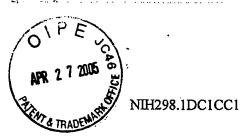
Nancy W. Vensko

Registration No. 36,298

Attorney of Record

Customer No. 45,311

(805) 547-5580



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Merril et al.

Ser. No.

10/659,711

Filed

September 11, 2003

Title

ANTIBACTERIAL THERAPY WITH BACTERIOPHAGE

GENOTYPICALLY MODIFIED TO DELAY INACTIVATION

BY THE HOST DEFENSE SYSTEM

Art Unit

1648

Examiner

Stucker, Jeffrey J.

# SUBSTITUTE POWER OF ATTORNEY UNDER 37 CFR 3.71(a) AND CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir or Madam:

The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services ("Assignee") is the assignee of the entire right, title, and interest in the above-identified U.S. patent application ("the Application") as evidenced by an assignment recorded in the patent assignment records of the U.S. Patent and Trademark Office on April 5, 1994, at Reel 6951, Frame No. 978. In accordance with 37 CFR 3.73(b), the undersigned certifies that he or she is authorized to act on behalf of the Assignee, has reviewed all of the evidentiary documents accompanying or referred to in this Substitute Power of Attorney and, that, to the best of his or her knowledge and belief, title is in the Assignee.

The Assignee hereby revokes all previous powers of attorney and appoints the following attorneys and patent agents of the National Institutes of Health, Office of Technology Transfer, and of Knobbe Martens Olson & Bear, LLP, who are identified with the following Customer Number, to prosecute and transact all business in the U.S. Patent and Trademark Office connected with the Application, including but not limited to receiving all documents issued by the U.S. Patent and Trademark Office based thereon, paying any and all fees, including maintenance fees, filing for reissues and extensions, and requesting reexamination:

In re Appln. of Merril et al. Ser. No. 10/659,711

The assignee further requests that correspondence concerning this application be directed to Nancy W. Vensko of Knobbe Martens Olson & Bear, LLP, as Customer Number:

45,311

The Assignee also requests that all telephone calls be directed to Knobbe Martens Olson & Bear, LLP at 805-547-5580.

Respectfully submitted,

James C. Haight (Reg. No. 23588)
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NIH Office of Technology Transfer
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(301) 435-5470

Date: March 3/, 2005

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